

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAWANDA HALL,

Plaintiff,

Case No. 18-cv-14086

v.

Paul D. Borman
United States District Judge

ANDY MEISNER, in his official
capacity as Oakland County Treasurer,
et. al.,

Defendants.

ORDER DISMISSING ACTION FOR FAILURE TO RESPOND TO THE
COURT'S SHOW CAUSE ORDER REQUIRING PLAINTIFF TO PROVIDE
SERVICE COPIES AND FOR FAILURE TO EFFECT SERVICE OF PROCESS

Proceeding *pro se*, Plaintiff filed her original complaint in this action on December 28, 2018 and sought to proceed *in forma pauperis*. (ECF No. 1.) The case was originally assigned to United States District Judge George Caram Steeh and was reassigned to this Court on January 22, 2019. (ECF No. 8.) Plaintiff filed an Amended Complaint on February 4, 2014 (ECF No. 9), and this Court then issued an Order for Plaintiff to demonstrate further her financial need to proceed *in forma pauperis*. (ECF No. 10.) Plaintiff responded to the Court's Show Cause Order on February 20, 2019 (ECF No. 11) and filed a second Amended Complaint on February

26, 2019 (ECF No. 12). The Court granted Plaintiff's Application to Proceed Without Prepayment of Fees on March 1, 2016, and in that Order directed Plaintiff to present to the Clerk's Office for service by the U.S. Marshals copies of her Complaint, Summonses, and U.S.M. 285 Forms for each Defendant within fourteen days of that Order. (ECF No. 16.) In the meantime, several Defendants (although not having been served with the Complaint) filed a Motion to Dismiss the Complaint. (ECF No. 15.) On March 26, 2019, Plaintiff filed a Notice of Voluntary Dismissal Without Prejudice of certain non-moving Defendants (again none of whom had been served) (ECF No. 19) and on April 12, 2019, filed a Stipulation for Voluntary Dismissal With Prejudice of the moving Defendants. (ECF No. 21, Stipulation of Voluntary Dismissal With Prejudice.) Plaintiff's voluntary dismissals left four remaining unserved Defendants – (1) Andy Meisner, in his Official Capacity as Oakland County Treasurer, (2) the County of Oakland, a municipal corporation, (3) Mitchell Simon, personally and in his Official Capacity and Treasurer of Southfield Non Profit Housing Corporation, and (4) Habitat for Humanity.

On April 25, 2019, the Court's docket having reflected that no summonses had issued or complaints been served, the Court issued an Order to the Plaintiff to show cause why the case should not be dismissed for failure to comply with the Court's March 1, 2019 Order requiring presentment to the Clerk's Office of service papers.

(ECF No. 22.) To date, nearly four months later, Plaintiff has failed to respond to the Show Cause Order.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 4(m) (requiring dismissal of action without prejudice if service of process is not effectuated within 90 days of the filing of the complaint, absent a showing of good cause), and E.D. Mich. L.R. 41.2 (allowing entry of an order of dismissal of an action if “the parties have taken no action for a reasonable time” absent a showing of good cause). Plaintiff, who has demonstrated her familiarity with the process for filing matters in this Court, having failed to respond to the Court’s April 25, 2019 Show Cause Order has failed to demonstrate good cause for her failure to effectuate service on the remaining Defendants. Therefore, it is ORDERED that this action is DISMISSED WITHOUT PREJUDICE for failure to effectuate service of process and failure to take any action for a significant period of time.

IT IS SO ORDERED.

s/Paul D. Borman
Paul D. Borman
United States District Judge

Dated: August 16, 2019